

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOAN R. PINEIRO,

Plaintiff,

-against-

ORDER

1:22-cv-09314-LGS-JW

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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JENNIFER E. WILLIS, UNITED STATES MAGISTRATE JUDGE:

The Court issued a scheduling order on November 9, 2022. Dkt. No. 8. That Order stated that “Plaintiff must serve this Order on the Defendant and must file proof of such service with the Court.” Dkt. No. 8.

On February 27, 2023, the Court requested an update regarding the status of the case. Dkt. No. 11. On February 27, 2023, Plaintiff filed a letter updating the Court along with an affidavit of service detailing that the Defendant was served on November 22, 2022. Dkt. No. 12-13.

The Court’s original scheduling order directed that, “Defendant shall serve **(but not file)** the electronic certified transcript of the administrative proceedings (e-CAR) no later than 90 days after defendant was served with process in this action, and shall file proof of such service on the docket.” Dkt. No. 8.

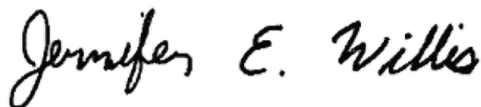
Nevertheless, on March 22, 2023, Defendant filed the e-CAR on ECF. Dkt. No. 15.

In light of Defendant’s filing of the e-CAR on March 22, 2023, the Court sets the following superseding schedule for this action:

- Counsel for Plaintiff must send a written proposal for settlement to counsel for the Commissioner, summarizing Plaintiff's strongest arguments, with specific references to the portions of the record supporting those arguments, to determine if the case can be resolved by **May 10, 2023**.
- The parties shall either (a) file a stipulation dismissing, remanding, or otherwise resolving the case or (b) file a joint letter advising the Court that they have complied with the requirements of this Order but were unable to resolve the case by **June 12, 2023**.
- Should the case be unresolved, Plaintiff's motion for judgment on the pleadings shall be due by **July 12, 2023**. The motion for judgment on the pleadings must contain (a) a full description of the relevant facts, and (b) a full description of the relevant administrative proceedings.
- The Commissioner shall file their response to the motion for judgment on the pleadings, and any cross-motion, by **September 12, 2023**. The response must state whether the Commissioner agrees with Plaintiff's descriptions of the relevant facts and the relevant administrative proceedings, and – if not – whether Plaintiff's description misstates, mischaracterizes, or omits any material facts or proceedings.
- Should Plaintiff choose to file a reply, it shall be due on **October 3, 2023**.

SO ORDERED.

Dated: New York, New York
April 19, 2023

A handwritten signature in black ink, reading "Jennifer E. Willis". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

JENNIFER E. WILLIS
United States Magistrate Judge